



PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, SATURDAY, JANUARY 19, 1952

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week—ending the 16th January 1952 :—

Issue No.	No. and date	Issued by	Subject
3	S.R.O. 29, dated the 31st December, 1951.	Ministry of Law	Notification regarding lists of valid nominations in certain constituencies of Madhya Bharat.
4	S.R.O. 30, dated the 2nd January, 1952	Ditto	Modification in S.R.O. 2100 relating to Midnapur-Jhargram Parliamentary Constituency.
5	S.R.O. 31, dated the 3rd January, 1952.	Ditto	Notification regarding lists of valid nominations in certain constituencies of Bihar.
6	S.R.O. 32, dated the 3rd January, 1952.	Ditto	Notification regarding lists of valid nominations in certain constituencies of Bihar.
6A	S.R.O. 33(A), dated the 3rd January, 1952.	Ditto	Modifications in S.R.O. 1919 relating to the Bangalore South and the Shimoga Parliamentary Constituencies.
7	S.R.O. 34, dated the 4th January, 1952.	Ditto	Notification regarding lists of valid nominations in certain constituencies of Assam.
8	S.R.O. 35, dated the 5th January, 1952.	Ministry of Labour.	Constitution of an Industrial Tribunal for the adjudication of industrial disputes concerning banking companies.
	S.R.O. 36, dated the 5th January, 1952.	Ditto	Referring to the Industrial Tribunal for adjudication the matters specified in Schedules I and II.
	S.R.O. 37, dated the 5th January, 1952.	Ditto	Prohibiting the continuance of the Strike in existence in the banking companies specified in the Schedule.
9	S.R.O. 38, dated the 4th January, 1952.	Ministry of Law	Notification regarding lists of valid nominations in certain constituencies of Patiala and East Punjab States Union.

Issue No.	No. and Date	Issued by	Subject
10	S.R.O. 39, dated the 8th January, 1952.	Ministry of Works Production and Supply.	Appointment of a Coal Board.
	S.R.O. 40, dated the 8th January, 1952.	Ditto	Fixation of certain rates of excise duty on all coal, soft coke and hard coke with effect from the 8th January 1952.
	S.R.O. 41, dated the 8th January, 1952.	Ditto	Delegation of powers to the Coal Board under the Coal Mines (Conservation and Safety) Ordinance, 1952.
11	S.R.O. 42, dated the 8th January, 1952.	Ministry of Labour.	Referring to the Industrial Tribunal for adjudication the matters specified in the Schedule.
12	S.R.O. 68, dated the 9th January, 1952.	Ministry of Law	Notification regarding lists of valid nominations in certain constituencies of Tripura.
13	S.R.O. 60, dated the 10th January 1952.	Ditto	Amendments in the Representation of the People (Conduct of Elections and Election Petitions Rules, 1951.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 15th January 1952

S.R.O. 83.—In exercise of the powers conferred by rule 1, read with clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the Ministry of Law No. S.R.O. 512, dated the 9th September 1950, relating to the authorisation of officers to sign and verify complaints or written statements in any suit by or against the Central Government, namely:—

In Part III of the Schedule to the said notification, under the heading *Commercial Intelligence and Statistics* for the words "Director of Commercial Intelligence, Calcutta" The words "Director General of Commercial Intelligence and Statistics, Calcutta" shall be substituted.

[No. F.33-I/51-L.]

SHRI GOPAL SINGH, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 12th January 1952

S.R.O. 84.—In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution, the President hereby directs that the following further amendment shall be made in the Union Public Service Commission (Consultation) Regulations, namely:—

In the Schedule to the said Regulations, under each of the headings "Central Services, Class I" and "Central Services, Class II", for the entry "Private Secretaries to the Hon'ble Ministers and Deputy Ministers" the entry "Private Secretary, Deputy Private Secretary, or Assistant Private Secretary to an Hon'ble Minister, Minister of State or a Deputy Minister" shall be substituted.

[No. 18/57/51-Ests.]

C. B. GULATI, Under Secy.

MINISTRY OF FINANCE (Department of Economic Affairs)

New Delhi, the 10th January 1952

S.R.O. 85.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (II of 1934), the Central Government hereby nominates, with effect from the 15th January, 1952, Shri J. R. D. Tata and Shri B. D. V. Ramasawmy Naidu as Directors of the Central Board of the Reserve Bank of India in the vacancies caused by the retirement of Shri Rustom P. Masani and Shri C. S. Ratnasabapathi Mudalliar.

[No. F. 3(3)-F. 1/52.]

S. K. SEN, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 9th January 1952

S.R.O. 86.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendment shall be made in the Schedule appended to its notification No. 32-Income-tax, dated the 9th November 1946, namely:—

In the Schedule appended to the said notification, under the sub-head 'VII-Delhi, Ajmer, Rajasthan and Madhya Bharat', for the existing entries, the following entries shall be substituted, namely:—

DELHI 'A'

1. All Contractor Circles, New Delhi.
2. All Business Circles, New Delhi.
3. All Salary Circles, Delhi.
4. All Company Circles, New Delhi.
5. Principal Income-tax Officer, New Delhi.

DELHI 'B'

1. All A. B. C. D and E Ward, Delhi.
2. Delhi and Central Circle, Delhi.

DELHI 'C'

1. All 'G' Wards, Delhi.
2. All 'H' Wards, Delhi.
3. Ajmer.
4. Beawar.

5. All Wards at Jalpur.
6. All Wards at Jodhpur.
7. Kotah.
8. Bharatpur.
9. All Wards at Udaipur.
10. All Wards at Bikaner.
11. All Wards at Gwahar.
12. All Wards at Ujjain.
13. All Wards at Indore.
14. Ratlam.
15. All Special Survey Circles, Delhi.

[No. 1]

S. P. LAHIRI, Secy.

CUSTOMS

New Delhi, the 19th January 1952

S.R.O. 87.—In pursuance of sub-section (1) of section 9 of the Land Customs Act, 1924 (XIX of 1924), read with section 182 of the Sea Customs, Act, 1878 (VIII of 1878), and in supersession of its notifications No. 16-Customs, dated the 29th March 1949, No. 30-Customs, dated the 2nd April 1949, No. 32-Customs, dated the 1st April 1950, and No. 134-Customs, dated the 30th September 1950, the Central Board of Revenue prescribes and limits the powers of the Collectors of Land Customs and land customs officers of the Collectorates of Central Excise, Baroda, Bombay, Calcutta, Delhi, Jamnagar, Madras, Patna and Shillong within their respective jurisdiction as shown below:—

- (1) The Collectors of Land Customs, Baroda, Bombay, Calcutta, Delhi, Jamnagar, Madras, Patna and Shillong and all the Deputy Collectors and Assistant Collectors of Central Excise, of the Collectorates of Baroda, Bombay, Calcutta, Delhi, Jamnagar, Madras, Patna and Shillong, shall exercise the powers indicated in clause (a) of section 182 of the Sea Customs Act, 1878.
- (2) The Superintendents of Central Excise of the Collectorates of Baroda, Bombay, Calcutta, Delhi, Jamnagar, Madras, Patna, and Shillong, shall exercise the powers indicated in clause (b) of section 182 of the said Act.

[No. 4.]

D. P. ANAND, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 19th January 1952

S.R.O. 88.—In exercise of the powers conferred by section 3 of the Drugs (Control) Act, 1950 (XXVI of 1950), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. 1(IV)/1-Drugs, dated the 3rd October 1949, namely:—

In the Schedule to the said notification:—

- (1) To the entries under the heading "IMPERIAL CHEMICAL INDUSTRIES (INDIA) LTD", the following entries shall be added, namely:—

PENICILLING (SODIUM SALT)—Distillers Company (Biochemicals) Ltd.

Vial of 1.0 mega unit available in boxes of 5 vials—per vial.

Vials of 0.2 mega unit available in boxes of 5 vials—per vial

Vials of 0.5 mega unit available in boxes of 5 vials—per vial.

Vials of 0.1 mega unit available in boxes of 5 vials—per vial.

'Distaquaine' G—Crystalline Penicillin G Procaine Salt—Distillers Company (Biochemicals) Ltd., U.K.

Vials of 0.9 mega unit (in boxes of 5 vials)—per vial.

(2) To the entries under the Heading "VOLKART BROTHERS, BOMBAY", the following entries shall be added, namely:—

'Roche' Specialities

Bepanthen "Roche"

Panthenol—Pantothenic acid preparation

Tablets 100 mg. bottles of 20.

Tablets 100 mg. bottles of 100.

Ephynal "Roche".

Vitamin E, dl-alpha-tocopherol

Ampoules 300 mg. box of 3.

(3) To the entries under the heading "GLAXO LABORATORIES", the following entries shall be added, namely:—

Viteolin (Vitamin E) Capsules 30 mg.

Bottles of 25 capsules.

Bottles of 100 capsules.

(4) For the entry "Viteolin (Vitamin E)" under the heading "GLAXO LABORATORIES", the following entry shall be substituted, namely:—

"Viteolin (Vitamin E) Capsules 6 mg".

(5) To the entries under the heading "BURROUGHS WELLCOME & CO", the following entries shall be added, namely:—

SULPHA DRUGS

'Tabloid' Sulphaguanidine 0.5 gm×10 cc.

'WELLCOME' INSULIN

Insulin, Unmodified 20 units per cc X 10 cc

40 units per cc. X 10 cc.

PENICILLIN (ENGLISH) CRYSTALLINE G (SODIUM SALT)

1 lac units—Box of 5 vials.

2. lac units—Box of 5 vials.

5 lac units—Box of 5 vials.

10 lac units—Box of 5 vials

'DISTAQUAINE' G CRYSTALLINE PENICILLIN G (PROCAINE SALT)

3 lac units—Box of 5 vials.

9 lac units—Box of 5 vials.

'DISTAQUAINE' FORTIFIED CRYSTALLINE PENICILLIN G (PROCAINE SALT AND POTASSIUM SALT)

4 lac units—Box of 5 vials.

PENICILLIN CRYSTALLINE 'TABLOID' ORAL (POTASSIUM)

20,000 units, bottle of 20.

1 lac units, tube of 10.

[No. 1(1)-PC/52.]

P. S. SUNDARAM, Under Secy.

TARIFFS

New Delhi, the 19th January 1952

S.R.O. 89.—In pursuance of item 28(9) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), the Central Government hereby declares that Cyclamate of Sodium (Sucaryl Sodium) is of a like nature or use to saccharine.

[No. 16-T/A(2)/51.]

K. N. KAUL, Joint Secy.

MINISTRY OF FOOD AND AGRICULTURE

AGRICULTURE

New Delhi, the 9th December 1951

S.R.O. 90.—In exercise of the powers conferred by section 3 of the Indian Coconut Committee Act, 1944 (X of 1944), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Department of Education, Health and Lands No. F. 43-4/45-A, dated the 25th May 1945, namely:—

In the said notification:—

- (a) for the words 'British India' where they occur for the first time, the words 'the territories to which the said Act extends' shall be substituted.
- (b) for the words 'British India' where they occur for the second time, the words 'the said territories' shall be substituted.

[No. F.35-13/49-Comm.II.]

K. R. DAMLE, Joint Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 8th January 1952

S.R.O. 91.—In exercise of the powers conferred by sub-section (7) of section 6 of the Cinematograph Act, 1918 (II of 1918) the Central Government hereby directs that the film entitled "Sleep My Love" produced by United Artists and certified by the former West Bengal Board of Film Censors under certificate No. 23668, dated the 27th March, 1948, shall be deemed to be a film in respect of which an "A" certificate has been granted.

[No. 20/21/51-F.]

New Delhi, the 10th January 1952

S.R.O. 92.—In exercise of the powers conferred by sub-rule (2) of rule 3 of the Cinematograph (Censorship) Rules, 1951, read with sub-section (1) of section 6 of the Cinematograph Act 1918 (II of 1918), the Central Government hereby appoints (1) Dr. V. K. R. V. Rao and (2) Shri Chandulal Shah as members of the Central Board of Film Censors, with effect from 15th January 1952, *vice* Shri S. K. Patil and Shri B. N. Sirca: retired.

[35(6)50-F]

C. B. RAO, Dy. Secy.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 15th January 1952

S.R.O. 93.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government hereby directs that the following amendment shall be made in the Indian Telegraph Rules, 1951, namely:—

In rule 458 of the said Rules, for the words and figures "clause (iv) of rule 430" the words and figures "sub-rule (4) of rule 430", shall be substituted.

[No. R3-71/51.]

K. V. VENKATACHALAM, Dy. Secy.

IN

MINISTRY OF LABOUR

New Delhi, the 9th January 1952

S.R.O. 94.—The following draft of certain further amendments to the Industrial Disputes (Central) Rules, 1947, which the Central Government proposes to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (XIV of 1947), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th February 1952.

Any objection or suggestion which may be received from any person with respect to the said draft on or before the date specified will be considered by the Central Government.

Draft Amendments.

In the said Rules—

(1) Rule 21A shall be omitted.

(2) For rule 30 the following rule shall be substituted, namely:—

"30. *Form of authority under section 36.*—The authority in favour of a person to represent a workman or an employer in any proceeding under the Act shall be in Form CC."

(3) After rule 51 the following rule shall be inserted, namely:—

"51A. *Complaints regarding change of conditions of service, etc.*—Every complaint under section 33A of the Act shall be presented in triplicate in Form DD and shall be accompanied by as many copies of the complaint as there are opposite parties to the complaint."

(4) For sub-rule (2) of rule 52, the following sub-rule shall be substituted, namely:—

"(2). On receipt of a notice of a strike under sub-rule (1), the employer shall forthwith intimate the fact to the Conciliation Officer having jurisdiction in the matter."

(5) In the Schedule,—

(a) after Form C, the following form shall be inserted, namely:—

FORM CC.

(See rule 30)

Before (here mention the authority concerned)

Reference No.....of.....Workmen.

Versus

.....Employer.

In the matter of.....

I/We, hereby authorise Shri.....to represent me/us in the above matter.

Dated this.....day of.....195

(Signature).

Address:

Accepted.

(Signature)

Address:

(b) after Form D, the following Form shall be inserted, namely:—

FORM DD.

(See rule 51A)

Before the Industrial Tribunal.....Complaint under section 33A of the Industrial Disputes Act, 1947.

A.....Complainant(s).

Address:—

Versus

B.....Opposite Party(ies).

Address:—

In the matter of Reference No.

The petitioner(s) beg(s) to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 (XIV of 1947) as shown below.

(Here set out in short paragraphs particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged).

The complainant(s) accordingly pray(s) that the Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexures required by Rule 51A of the Industrial Disputes (Central) Rules, 1947, are submitted herewith.

(Signed)

Dated this.....day of.....195

[No. LRI (194).]

S.R.O. 95.—In exercise of the powers conferred by section 24 read with sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby appoints the officer or officers appointed from time to time by the Government of Rajasthan under sub-section (1) of section 15 of the said Act as the authority or authorities to hear and decide, within any area, all claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed or paid within such area, to be the authority or authorities to hear and decide such claims in respect of persons employed or paid within that area by a railway administration.

[No. Fac.61(60).]

S. NEELAKANTAM, Dy. Secy.

New Delhi, the 10th January 1952

S.R.O. 96.—In exercise of the powers conferred by clause (1) of article 258 of the Constitution, the President hereby entrusts to the Government of Travancore-Cochin, with their consent, the functions of the Central Government under sub-section (1) of section 20 of the Minimum Wages Act, 1948 (XI of 1948).

[No. LWI-24(61).]

New Delhi, the 15th January 1952

S.R.O. 97.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946), read with sub-rule (1) of rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, the Central Government hereby appoints Shri B. P. Singh, I.A.S., Commissioner of Labour, Bihar, as a member of the Advisory Committee for the State of Bihar constituted by the notification of the Government of India in the Ministry of Labour No. M.29(8)50, dated the 11th May 1951, *vice* Shri S. C. Mukherjee.

[No. M.23(1)52.]

New Delhi, the 15th January 1952

S.R.O. 98.—The following draft of certain proposals relating to minimum rates of wages payable to the classes of the contract labour of the Central Public Works Department specified in the schedule annexed hereto and employed in the States of Uttar Pradesh and Ajmer which it is proposed to fix in pursuance of clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), are published as required by sub-clause (b) of sub-section (1) of section 5 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 20th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

SCHEDULE

Serial No.	Categories of employees	All inclusive minimum rates of wages per day	
		UTTAR PRADESH	AJMER
		Rs.	Rs.
1.	Bandhani	3	3
2.	Blacksmith I class	5	4
3.	Blacksmith II class	4/8/-	3
4.	Brick moulder	2/8/-	2/8/-
5.	Cane man	3	2/8/-
6.	Carpenter I class	5	4
7.	Carpenter II class	4/8/-	3
8.	Chowkidar	1/12/-	1/8/-
9.	Fitter I class	5	4
10.	Fitter II class	4	2/8/-
11.	Glazier	4	3
12.	Mason I class	5	3/8/-
13.	Mason II Class	4/8/-	2/8/-
14.	Stone cutter I class	5	4
15.	Stone cutter II class	4/8/-	3
16.	Mate	3	1/8/-
17.	Mistry	5	3
18.	Painter	4	3
19.	Spray man (for roads)	3	2
20.	Thatcher	2/12/-	2
21.	Rock cutting labours Excavator, br akers, Drillers, etc.	2/12/-	1/12/-
22.	Bullock cart double	12	7
23.	Bullock cart single	8A	3

[No. LWI-24(74).]

New Delhi, the 16th January 1952

S.R.O. 99.—The following draft of certain proposals relating to minimum rates of wages payable to the contract labour of the Central Public Works Department specified in the Schedule employed in the States of Madhya Bharat and Mysore which it is proposed to fix in pursuance of clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), are published as required by sub-clause (b) of sub-section (1) of section 5 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 19th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

SCHEDULE

				All inclusive minimum rates of wages per day
				Rs. a. p.
<i>Madhya Bharat (Indore)—</i>				
(1) Mazdoor Man	...	...	...	1 4 0
(2) Woman	...	...	...	1 0 0
(3) Boy above 12 years	...	...	...	0 12 0
<i>Mysore (Bangalore)—</i>				
(1) Mazdoor Man	...	...	...	1 8 0
(2) Woman	...	...	...	1 0 0
(3) Boy above 12 years	...	...	...	1 0 0

[No. LWI-24(33).]

S.R.O. 100.—The following draft of certain proposals relating to minimum rates of wages payable to the employees of the Oil Press Section of the Medical Stores Depots at Bombay and Madras specified in the Schedule annexed hereto which it is proposed to fix in pursuance of clause (a) of sub-section (1) of section (3) read with clause (i) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (XI of 1948), are published as required by sub-clause (b) of sub-section (1) of section 5 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 19th March 1952.

2. Any objection or suggestion which may be received from any person with respect to the draft before the said date will be considered by the Central Government.

SCHEDULE

Minimum monthly basic rate of wages	Cost of Living Allowance
Rs. 35/-	Rs. 40/-

NOTE.—The Cost of Living Allowance, will be adjusted at such intervals and in such manner as the Central Government may direct.

[No. LWI-24(96).]

CORRIGENDA

New Delhi, the 11th January 1952

S.R.O. 101.—In the Notification of the Government of India in the Ministry of Labour, No. S.R.O. 1772, dated the 9th November, 1951, printed on pages 1963-1990 of Part II, Section 3 of the Gazette of India, dated the 17th November, 1951, the following corrections shall be made, namely,—

1. Under "Jutogh Cantonment", for the figures '20-0-0' occurring in the third column on page 1971 against serial number 9, substitute the figures '20-0-0'.

2. (a) Under 'Barrackpore Cantonment', for the figures '20-0-0' occurring in the third column on page 1973 against serial number 18, substitute the figure '25-0-0'.

(b) For the figure '25-0-0' occurring in the third column on page 1973 against serial number 19 under the heading 'Barrackpore Cantonment', substitute the figure '20-0-0'.

3. Under 'Lucknow' Cantonment', for the figure '30-0-0' occurring in the third column against serial number 6 on page 1976, substitute the figures '25-0-0'.

4. (a) Under "Secundrabad Cantonment", for the figures '50-0-0' occurring in the third column against serial number 30 on page 1980, substitute the figures '30-0-0'.

(b) for the figures '100-0-0' occurring in the third column against serial number 65 on page 1920, substitute the figures '105-0-0'.

(c) for the figures '20-0-0' occurring in the third column on page 1980 against serial number 68, substitute the figures '30-0-0'.

(d) for the figures '25-0-0' occurring in the third column against serial number 70 on page 1980, substitute the figures '30-0-0'.

(e) for the figures '20-0-0' occurring in the third column against serial numbers 71 and 72 on page 1980, substitute the figures '25-0-0'.

5. Under 'Bareilly Cantonment' insert the figure '20-0-0' in the fourth column against serial number 2 on page 1988.

6. Under 'Nasirabad Cantonment', for the figure '5-0-0' occurring in the fourth column against serial number 13 on page 1990, substitute the figures '55-0-0'.

[No. LWI-24(74)-I.]

S.R.O. 102.—In the Schedule to the notification of the Government of India in India in the Ministry of Labour, No. S.R.O. 1773, dated the 12th November, 1951, printed on page 1990 of Part II, Section 3 of the Gazette of India, dated the 17th November, 1951, insert the figures '60' in the third column against serial number 15.

[No. LWI-24(74)II.]

P. N. SHARMA, Under Secy.

New Delhi, the 9th January 1952

S.R.O. 103.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Dhanbad in the matter of an application under Section 33A by Shri B. N. Sinha, Foreman, Bararee Coke Co. Ltd.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

PRESENT

Shri S. P. Varma, B.A., Barrister-at-Law, *Chairman.*

PARTIES

The Bararee Coke Co. Ltd.

Versus

Shri B. N. Sinha, Foreman.

Appearances

For the Management—Shri S. C. Sen, M.A.B.L., Advocate.

For the workman—Shri S. S. Mukherji, B.Sc., B.L., Pleader.

Application under Section 33A of the Industrial Disputes Act, 1947, arising out of Reference No. 19 of 1951.

AWARD

This is an application by one Shri B. N. Sinha presumably under Section 33A of the Industrial Disputes Act 1947 saying that he was dismissed from his employment wrongly because it was falsely alleged that he was sleeping soundly in the acid plant at 4.5 a.m. which happened to be C shift of the 28th October 1951. This would really be the morning of the 29th October 1951. This application is dated 7th November 1951, and was received on the same date by this Tribunal. Another application was filed on 24th December 1951, by the same worker praying that the order to vacate his quarters which he was occupying should be set aside and that a direction should be issued to the management to maintain *status quo*. The management have issued notice to him on 7th December 1951 and asked him to vacate the quarter immediately. The management filed its statement on 28th December 1951. The case was taken up on 28th December 1951.

2. The case of Shri B. N. Sinha is that as he was unpopular with the management therefore this action has been taken against him. He refers to Ex. 1 in which a notice was issued mentioning his name as a person indulging in money lending transaction with the workers. Ex. 1 is a copy of the notice. He also says that he filed a petition of complaint under Section 500 I.P.C. against the manager but the complaint was dismissed. The complaint is Ex. 2. In his cross-examination it was elicited that he was a full-fledged foreman and as a foreman he is to supervise the work of several workmen. He says he was in charge on 27th October 1951 as an operator and not as a foreman. That he was holding the post of an operator on 30th October 1951. He admitted that he was designated as a foreman even on 27th October 1951. He admitted that there were *mazdoors* working under him. He also admitted that warning notice Ex. 4 was served on him on 3rd September 1951. He also admitted having received notice Ex. 5 dated 23rd July 1951. The Labour Officer Shri Jagannath Prasad Sahi was examined and he has given his statement in support of the case of the company.

3. The first question that arises for consideration is whether Shri B. N. Sinha comes within the definition of a workman as contemplated by Section 33 and 33A of the Industrial Disputes Act 1947. The definition of a workman is to be found under Section 2(s) of the Industrial Disputes Act 1947. There are various authorities which lay down that a foreman is not a workman. I will content myself with quoting one authority namely the decision of the Labour Appellate Tribunal of India in the dispute between the Simpson & Co. Ltd. and Martin, reported in Vol. II, 1951, L.L.J., at page 43. That being the position in law the question is whether this particular individual Shri B. N. Sinha was a foreman. In his application dated 7th November 1951 in the second para he begins by saying as follows:

"I have been working in Bararee Coke Co. Ltd., as a general foreman for the last 10 years with great sincerity and honesty under the guidance and supervision of my officials."

He himself admits that he was working as a foreman and then towards the end of the application just below his signature he describes himself as a foreman. Even in his second application dated 24th December 1951, he describes himself as a foreman. It was only in this Tribunal on 28th December 1951, that I find that he described himself as an operator in the acid plant. Moreover, in his deposition before this Tribunal in the main Reference (Ref. No. 19 of 1951) when he was examined on 29th November 1951 he gave his occupation as "service as formerly a foreman."

4. On these materials I cannot help holding that he is a foreman. The statement of Shri B. N. Sinha on 28th December that he was working as an operator does not change the position because Shri Sahi, Labour Officer of the company himself said that sometimes foremen are asked to go and work as operators whenever there is shortage of operators. He also said that this particular foreman was never demoted from foreman to that of an operator and he is to supervise the work and not to do manual work. That being the position I must hold that he was a foreman. Being a foreman his case does not come within the purview of Section 33A of the Industrial Disputes Act 1947. Therefore his application under Section 33A must fail. Exhibits B and C dated 1st November 1951 and 2nd November 1951 respectively, attached to the company's statement also show that his position is untenable.

Coming now to the next application dated 24th December 1951, about the vacating his quarters I passed an order on 28th December when the matter came up before this Tribunal. He must be allowed to continue in the house occupied by him till the award is published or a month after 28th December 1951, whichever period is shorter. This application under Section 33A of the I.D. Act is rejected.

Now, therefore, I give my award in terms aforesaid, this the 31st December 1951.

DHANBAD;
31st December, 1951.

S. P. VARMA, Chairman,
Central Government Industrial Tribunal Dhanbad.

[No. LR-2(341).]

S.R.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of

the Industrial Tribunal, Dhanbad, in the matter of an industrial dispute between the management of the Bararee Coke Company, Limited and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE No. 19 OF 1951.

PRESENT

Shri S. P. Varma, B.A., Barrister-at-Law, Chairman.

PARTIES

Bararee Coke Company Limited, Kusunda.

Verays

Their workmen.

Appearances

For the management—Shri S. C. Sen, M.A.B.L., Advocate.

For the workmen—Shri Ramanand Das, President, Coalfield Dalit Mazdoor Congress.

AWARD

The Government of India in the Ministry of Labour by a notification No. LR.2(341), dated 17th July 1951, has referred this dispute to this Tribunal between the management of the Bararee Coke Co. Ltd., and their workmen in respect of reinstatement of workers discharged during the strike on the 9th September 1949.

2. On behalf of the workmen, one Coalfields Dalit Mazdoor Congress submitted written statement. This written statement was signed by one Shri Ramanand Das, the President of the aforesaid Coalfields Dalit Mazdoor Congress and it was stated that it was filed for and on behalf of the victimised workers. The company also filed its written statement.

3. The case of the Coalfields Dalit Mazdoor Congress is that on the 9th September 1949, one Rameswar Jaswara (II) went to drink water in his quarter and on his return back, the manager of the company pushed him out by catching hold of his neck and, on his co-workers protesting, the manager asked all the workers to go out of the works and in consequence the workers had to leave the works. The company declared a lock-out and did not allow the workers who were willing to come to duty to enter the factory. The company started work later on but did not allow some of the workers who were willing to work to enter the factory and to join their duties. The management discriminated in their cases and victimised the workers. A list of 192 persons and four others who were alleged to have been victimised and dismissed without any justification was also attached to the written statement. No names were mentioned under serial numbers 68, 69 and 70.

4. The company in its written statement raised 4 preliminary objections namely:

- (i) That Bararee Coke Works is not a mine nor any industry which comes under Section 2(a) (i) of the Industrial Disputes Act 1947. Consequently it is the State Government of Bihar and not the Central Government which is the appropriate Government for the purposes of making reference under Section 10 of the said Act;
- (ii) There was no industrial dispute existing on the date of reference between the company and its workmen;
- (iii) That Shri Ramanand Das has no *locus standi* to represent the company's workmen, now or at any time in service;
- (iv) There is no mention in the order of reference of the persons for whom reinstatement has to be considered;

and owing to the aforesaid reasons the claim should fail.

5. Regarding merit the company stated that the scrutiny of the list (submitted by workers' representative) shows that names of three persons had been repeated and out of the remaining 186: (i) 76 persons cannot be identified, (ii) three persons were discharged for misconduct unconnected with strike, (iii) 12 persons were re-employed, (iv) 30 persons accepted final payment and left, (v) 65 persons were not re-employed and record shows that they never approached for re-employment. The company further states that for sometime past, at the instance of some of the workers, the workers of the plant resorted to slow down tactics and were refusing sometimes to obey the shift Foremen on duty whenever they tried to pull them up. The

Company issued charge-sheets and warnings to some of these workers but it did not improve the position. On the 8th September 1949, the company gave a general notice warning the workers against this kind of misconduct. On the 9th September 1949, some of the oven coolies left their work during their working hours without permission of and report to the Foreman concerned. As the Foreman found that many ovens were ready to be pushed, he with the help of some other workers attempted to discharge the said ovens. At that time Rameswar (II) came back, abused the workers who were attempting to work and interfered with their work. The matter was reported to the Manager and the Labour Officer of the company, who coming there investigated into the matter and the Manager suspended Rameswar (II) and gave him charge-sheet for misconduct. Workers thereupon struck work. The Labour Commissioner, Mr. Amir, who was then present at Dhanbad tried to settle but could not. Mr. Amir repeatedly requested the workmen directly and also through their leaders to go back to work and promised that he would investigate into the case of Rameswar (II) later on but Union leaders and the strikers insisted that unless the order of suspension of Rameswar (II) was cancelled they would not go back to work. Stalemate condition continued and the Labour Commissioner (Mr. Amir) asked Shri Dayal (Assistant Labour Commissioner) to hold conciliation proceedings and to settle the matter. Shri Dayal also tried hard to induce the workers to return back to work but without any effect. They all insisted on cancellation of the order of suspension against Rameswar (II) as the condition of their returning back to the work. Both Mr. Amir and Shri Dayal pointed out that, as this Coke Plant was a public utility service, strike without notice was illegal but their attempts to persuade the workers to go back to work failed. The company thereupon issued notices on the 10th (Ex. A1) and 15th September 1949 (Ex. A3) to the effect that unless the workers joined their duties on or before 16th September 1949, their services would be deemed to have been terminated without any further notice to them. On the 16th September 1949 a large number of strikers came back to the works and thereafter out of the remaining strikers a large body of them reported on subsequent dates and were re-employed. The company thereafter recruited new hands according to their requirement and at present the company has no vacancy and, therefore, they cannot re-employ any other striker. From the very beginning, the company gave the strikers to understand that if the strikers came on or before 16th September 1949, they would all be taken back and the company was also prepared to re-employ the remaining if there be any vacancy and if nothing wrong was found against their conduct either prior to the strike or during the strike. As these strikers did not report in proper time, their claim for re-instatement was neither legal nor equitable. It was also submitted by the company that as the persons in question commenced and continued an illegal strike, they were not entitled to re-instatement or re-employment.

6. On behalf of the Coalfields Dalit Mazdoor Congress, Shri Ramanand Das first appeared with some of the discharged workers, but he left on the 2nd day of hearing leaving Shri Satya Sen, the General Secretary, of now defunct union (Bararee Coke Plant Workers' Union). Later on Shri Kanhai Paul (Pleader) appeared under power of attorney executed by some of the discharged workmen. On the third day Shri S. S. Mukherjee appeared for the workers.

7. At the time of hearing the company raised the preliminary objections mentioned hereinbefore, which may be discussed one by one:—

(i) The company placed before the Tribunal evidences which show that Bararee Coke Co. Ltd., do not possess any mine and the Bararee Coke Plant is not a part of any coalmine. It is an independent plant erected for manufacturing hard coke and bye-products. The question, therefore, is whether the Bararee Coke Plant can be considered an industry for which the Central Government is the appropriate authority under the Industrial Disputes Act 1947. This question is not altogether free from doubt. "Mine" has not been defined in the Industrial Disputes Act 1947 and under the Indian Mines Act 1923, 'Mine' has been defined as follows under Section 3(f):—

"(f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine:

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals;"

From perusal of this Section it appears that "mine" is primarily an excavation but it would include works, tramways etc. and also coke plant but on scrutiny of

the above section it is evident that such works as a coke plant etc. must be part and parcel of a mine proper, i.e. incidental to the work of a mine.

On this point I was shown a list of registered factories published under the Factories Act 1934, by the State of Bihar. It is for the year 1942. In that list in the district of Manbhum Bararee Coke and Bye-Product Works, P.O. Kusunda, has been mentioned under the registered No. B.R. 120. I have also been shown an Alphabetical List of Graded Collieries in Bengal and Bihar corrected upto 1st July 1948 published by the Government of India, in the Ministry of Industry and Supply, and it has been pointed out that the name of this company does not occur in that list. Some witnesses have also been examined on this point and one of them is Shri Prodosh Kumar Mazumdar, Personal Assistant to the Colliery Superintendent, East India Coal Co. Ltd. He pointed out in his evidence that the East India Coal Ltd. and Bararee Coke Co. Ltd. are not the same. East India Coal Co. Ltd. was registered under the English Companies Act in England with its registered office at 116, Fenchurch Street, London, and the Bararee Coke Co. Ltd. was registered under the Indian Companies Act with its registered office at 4, Clive Row, Calcutta. He also filed a map Ex. A14 and said that the Bararee Coke Co. Ltd., has no coalmine or any mine. He admitted that Jardine Henderson are the managing agents of these two concerns. He also pointed out in re-examination that Jardine Henderson are the managing agents of various concerns, namely, Jute Mills, Tea Gardens, Shipping and Insurance, Timber etc. He also produced papers to show that when the Bararee Coke Co. Ltd. purchases coal from the East India Coal Co. Ltd. bills are sent and price paid. He produced the bills for October 1951. for coal supplied Ex. A15. From this it was argued that Bararee Coke Co. Ltd. did not come under the definition of "mine" and therefore the Central Government was not the appropriate government which could issue the notification to the Central Tribunal.

On these materials I would certainly have been inclined to hold that the reference to this Tribunal under the Central Government was not correct. But the matter does not end there. My attention has been drawn to a notification in the *Gazette of India*, dated 16th July 1949 in which the date of the notification was 12th July 1949. This was a notification under Section 48 of the Indian Mines Act 1923 (IV of 1923). In this notification certain mines were exempted from certain operations of the Mines Act. In the schedule to that notification under column 1, item 5 (ii) the Coke factory of the Bararee Coke Company Ltd. at Kendwadih in the Manbhum District has been exempted from all the provisions of the Mines Act. Nothing has been shown to me that any attempt has been made by the Bararee Coke Co. Ltd. to have their name removed from the list of mines mentioned in that Schedule. That being so they at least cannot be allowed to raise this objection that the Central Government was not the appropriate Government to make this reference.

8. (ii) Regarding the second objection, that is, whether any dispute exists between the company and its workmen in respect of the matter mentioned in the order of reference, it may be said that when the government refers a matter it must be presumed the government were satisfied that such a dispute is in existence and unless such presumption is rebutted, the existence of a dispute must be taken for granted. Nothing has been placed before the Tribunal to rebut that presumption. This objection, therefore, fails.

9. (iii) Regarding the third objection, i.e. whether Shri Ramanand Das can represent the workmen of the company in this proceeding before this Tribunal, it appears from the evidences placed before this Tribunal, that Congress Dalit Mazdoor Congress of which Shri Ramanand Das is the President is not a registered Union. It is also not clear whether that union is a trade Union at all. One of the witnesses examined on behalf of the workmen said that he approached Shri Ramanand Das who he said was a Harijan worker. No papers have been placed before the Tribunal to show that it is a trade Union at all. Under the circumstances, it may be said with force that Shri Ramanand Das had no *locus standi* and that presumption is strengthened from the conduct of Shri Ramanand Das who at one time, to justify his appearance, said that the Congress Dalit Mazdoor Congress was affiliated to new defunct trade Union (named Bararee Coke Plant Workers Union with Shri Satya Sen as its General Secretary), which was denied by Shri Satya Sen in his deposition. Shri Kanhai Pal, however, who appeared on the basis of a power of attorney executed by four discharged workmen submitted that even though the objections of the company be valid against Unions, the discharged workmen who were discharged during the pendency of the dispute regarding suspension of Rameswar (II) may appear and appoint a representative. The

Tribunal, therefore, allowed Shri Kanhai Pal to place the case of the workmen, as pressed by the Congress Dalit Mazdoor Congress.

10. (iv) Regarding the fourth objection that the order of reference which did not mention the names of the persons whose cases for re-instatement was in dispute, was invalid on account of vagueness, it may be said that there is a good deal of force in this objection. However as the names of the persons have been submitted before this Tribunal and the company had the opportunity to scrutinize the same, the Tribunal decided to go into the merit of the case.

11. Regarding the merit, there is overwhelming evidence that the stoppage of work on the 9th September 1949 took place on account of the strike which the workers resorted to as a protest against the suspension of Rameswar (II) (Jaswara) and not due to lock-out as alleged by the workmen. Mr. Amir the then Labour Commissioner who was present on the 9th September 1949 at Dhanbad investigated into the matter and came to the definite finding that the workers started illegal strike. He repeatedly tried to induce the workmen through the union leaders to go back to work but failed. Shri Dayal (Assistant Labour Commissioner) also investigated into the matter and was of the same opinion. These government officials had the opportunity of personally visiting the works and investigating into the matter just after the incident. The contemporary documents i.e., notices dated 10th September 1949 (Ex. A1), 14th September 1949 (Ex. A2) and 15th September 1949 (Ex. A3) also corroborate the conclusion made by both Mr. Amir and Shri Dayal. The services of the Regional Labour Commissioner (Central), Dhanbad, were requisitioned on 15th May 1951. He reported failure of conciliation on 19th July 1951, after receiving the present notification dated 17th July 1951.

Shri Sahi (Labour Officer of the company) who appeared before the Tribunal clearly stated that the workers started the strike on account of the suspension of Rameswar (II). On behalf of the workmen, however, four witnesses were examined. One of them (Shri Satya Sen) was not an eye witness; the other Shri B. N. Sinha who claims to be formerly a foreman could not say anything in respect of this matter; the other two witnesses (Rameswar II and Ramawatar) said that the Manager asked the workers to go away and was responsible for the stoppage of work which commenced on 9th September 1949, but their evidences are not at all convincing and cannot be relied upon. Rameswar II is definitely speaking lie. He denied the receipt of many charge sheets Ex. A9, served on him, which were ultimately proved to have been actually served upon him. Ramawatar also could not satisfactorily explain how the Manager was responsible for the stoppage of work on the entire plant, and how and why all the workers of the Plant left their work. Under the circumstances, the Tribunal is inclined to believe the version of the company and to hold that the workers started the strike as protest against the suspension order passed against Rameswar (II).

12. Now the question is whether the strike is illegal and unjustified. Bararee Coke Plant has been declared a Public Utility Service by the Central Government which was endorsed by the Bihar Government in its Gazette Notification dated 25th May 1949. It is evident that no strike notice was given as required under Section 22 of the Industrial Disputes Act 1947 and the strike was, therefore, illegal. Rameswar (II) was suspended and furnished with a charge-sheet for misconduct. It appears from previous charge sheets against him that he had been responsible for a deliberate go-slow policy in the plant for a considerable time. Workmen denied that there had been any go-slow tactics in the factory, but the workmen's own witness Shri B. N. Sinha in his report Ex. A1 dated 10th August 1949, to the works manager clearly stated that the oven mazdoors at the instigation of Rameswar (II) were behaving in an undesirable manner. It was also mentioned in that report that Rameswar (II) was insolent and insubordinate to his superior officers. As a witness on 29th November 1951 he did say that slowing down was not due to the workers but to the defects in the machinery. But by this time he himself was in trouble as his application under Section 33A of the Industrial Disputes Act 1947, will show. Shri Sahi of the company in his deposition clearly stated that Rameswar II was responsible for the go-slow tactics and undermining of the discipline in the plant. Rameswar (II) was served with several warnings and charge sheets but without effect. Under these circumstances the Tribunal cannot but hold that the suspension order and subsequent dismissal of Rameswar (II) was not improper. Consequently the strike which started on account of the suspension order on Rameswar (II) was unjustified and improper. Besides, there is no justification for the continuation of the strike in spite of Mr. Amir's and Shri Dayal's assurances that Rameswar's (II) case would be investigated by them and that they should report for their duty. Under the circumstances the company was fully justified in

employing new hands and continue their work without wait for the strikers indefinitely. The termination of the services of the strikers by notice dated 15th September 1949, was justified and the workers have no legitimate claim for re-instatement.

In this connection a passage from the decision of Dr. Rajendra Prasad in the case of Rohtas Industries Limited, Dalmianagar may be quoted:—

"..... Since the strike was illegal, dismissal was not illegal and therefore no question of re-instatement as a matter of law or as a matter of right arises..... I am sorry that many workers have been thrown out of employment and can only express the hope that the company would forget and forgive and when vacancy arises, absorb as many of them as possible. This cannot be a part of my award which is that the strike being illegal, the dismissal was legal and the reinstatement cannot be claimed as a matter of right....." (Vol. II, L.L.J., (1950) page 352, at page 357).

This Tribunal, therefore, rejects the claim of re-instatement. Since the strike was illegal, dismissal was not illegal and therefore no question of reinstatement as a matter of law or as a matter of right arises. I, however, request the company to consider the case of these discharged workers who were unfortunate tools in the hands of thoughtless and irresponsible persons and have suffered considerably during the last two years and to give them preference in case of future vacancies but the company will reserve the right not to take particular individuals whom they thought undesirable on account of their past conduct and conduct during the said strike. This recommendation, of course, will not be a part of the award.

Before I close this award, I must observe that three different persons appeared on the three dates of hearing i.e. 28th, 29th, and 30th of November 1951, with the usual result of lack of thoroughness in presenting the case. When the President of the Coalfields Dalit Mazdoor Congress left after the first day the workers could not be expected to instruct their lawyers properly.

I must also mention that Shri Rameswar Dayal, Assistant Commissioner of Labour, Government of Bihar, who has been examined as a witness was found very factful in handling the labour problems and had thorough knowledge of local conditions and showed great initiative and intelligence. His report was not only very exhaustive but also of great use to me in understanding the intricacies of the case. He had noted all contemporaneous incidents very carefully and had recorded all the necessary information which were of immense help to me for arriving at my conclusions in this matter:

Now, therefore, the Tribunal makes its award in terms aforesaid, this the 30th day of December 1951.

S. P. VARMA, Chairman,
Central Government's Industrial Tribunal, Dhanbad.

DHANBAD;

Dated 30th December 1951.

[No. LR-2(341)]

New Delhi, the 15th January 1952

S.R.O. 105.—Whereas the Central Government is of opinion that an industrial dispute exists between the Hindustan Commercial Bank Ltd. and its Treasurer, Messrs Moti Lal Jagannath on the one hand and its employee, Shri K. D. Gupta represented by the Uttar Pradesh Bank Employees' Union on the other hand, in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal at Calcutta constituted under section 7 of the said Act.

Schedule

Whether the termination of the services of Shri K. D. Gupta, former head-cashier in the Hindustan Commercial Bank Ltd., Hardoi, was justified and, if not, whether he should be reinstated, suitably compensated or granted some other relief.

[No. LR-100(10).]

N. C. KUPPUSWAMI, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 4th January 1952.

S.R.O. 106.—In exercise of the powers conferred by section 4 of the Displaced Persons (Debts Adjustment) Act, 1951 (LXX of 1951), the Central Government hereby specifies the civil courts, mentioned in column 2 of the Schedule appended hereto, as the Tribunals having authority to exercise jurisdiction under the said Act, and defines the areas in column 3 of the said Schedule as the areas in which such Tribunals may exercise jurisdiction.

SCHEDULE

Serial No.	Civil courts	Areas in which Tribunals may exercise jurisdiction
Col. 1	Col. 2	Col. 3
1.	The Court of Subordinate Judge, Tripura.	State of Tripura
2.	The Court of the Subordinate Judge, 1st Class, Bilaspur.	" " Bilaspur.
3.	The Court of the Subordinate Judge, Imphal.	" " Manipur.
4.	The Court of the Munsiff, Moreana.	" " Coorg.
5.	The Court of the Subordinate Judge, Port Blair.	" " the Andaman & Nicobar Islands.
6.	The Courts of Senior Subordinate Judges.	" " Himachal Pradesh.
7.	The Courts of Subordinate Judges.	" " Kutch.
8.	The Courts of Subordinate Judges.	" " Bhopal.

[No. 68(23)/51-Prop.]

New Delhi, the 15th January 1952.

S.R.O. 107.—In exercise of the powers conferred by section 4 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby appoints the following persons as competent officers for the purpose of performing the functions assigned to them by or under the said Act in the local areas specified against their names; namely:—

Shri Ramji Das, Registrar, Judicial Commissioner's Court, Himachal Pradesh.	...	State of Himachal Pradesh.
Shri J. D. Mehta, Registrar, Judicial Commissioner, Kutch.	...	State of Kutch.
Shri Durga Prasad, District & Sessions Judge, Rewa.	...	State of Vindhya Pradesh.

[No. 82(14)/51-Prop.]

S.R.O. 108.—In exercise of the powers conferred by section 23 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby makes the following Rules, namely:—

1. **Short title.**—These Rules may be called the Evacuee Interest (Separation) Rules, 1951.

2. **Definitions.**—In these Rules:—

- (a) 'Act' means the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951);
- (b) 'claimant' means a person who makes a claim under the Act;
- (c) 'form' means a form appended to these Rules;
- (d) 'proceeding' means the hearing of a claim under the Act and includes all steps taken under the Act or these rules in pursuance of such claim.

3. **Application under section 6.**—(1) An application by a claimant under subsection (1) of section 6 of the Act shall be in Form 'A'.

(2) Every such application may be presented personally or by an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post, acknowledgment due.

4. **Form of Notice under section 6.**—Where a competent officer has received information under section 6 of the Act, he shall issue a general notice in Form 'B', and an individual notice in Form 'C' to every person who, in the opinion of the competent officer, may have a claim in the composite property.

5. **Particulars in a Statement of Claim.**—(1) Every statement of claim under section 7 of the Act shall be in Form 'D'.

(2) Every such statement of claim may be presented either personally or through an authorised agent to the competent officer having jurisdiction or may be sent to him by registered post acknowledgment due.

(3) Every such statement of claim shall be signed and verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

6. **Registration of claims.**—Every statement of claim submitted under section 7 of the Act shall be registered in a register to be kept for the purpose in Form 'E'.

7. **Persons interested in the composite property to be parties to proceedings.**—

(1) Every person having an interest in a composite property in respect of which a statement of claim is made under section 7 of the Act and the Custodian of Evacuee Property within whose jurisdiction such properties situate, shall be deemed to be respondent to the proceeding.

(2) There shall be filed along with the statement of claim or with the permission of the competent officer at a later stage of the proceeding as many copies of the statement of claim and as many envelopes and notices in Form 'F' duly addressed to the respondents as there are respondents.

(3) Notwithstanding anything contained in this rule, it shall be lawful for the competent officer to add as a respondent to the proceeding any person who in his opinion is interested in the composite property and issue a notice to him in Form 'F'.

8. **Rejection of a statement of claim in certain cases.**—Where a statement of claim made under section 7 of the Act does not comply with any of the requirements of that section or these rules, the competent officer may reject the claim or grant to the claimant such further time as he thinks fit for complying with such requirements.

9. **Issue of Notice.**—Where a claim is not rejected under rule 8, the competent officer shall, after causing the date for the hearing of the claim to be inserted in the notices referred to in rule 7, cause them to be served on the respondents.

10. **Objections by Respondents.**—(1) In response to a notice under rule 9, a respondent may show cause against the statement of claimant and may file a written statement containing his objections to the claim.

(2) Where a written statement is not presented personally or through an authorised agent, it may be sent by registered post acknowledgment due, to the competent officer after having been signed in the presence of a Judicial Officer and duly attested by such officer.

Provided that a written statement filed by a Custodian of Evacuee Property may not be signed in the presence of a Judicial Officer.

(3) A written statement may contain a counter claim to the composite property and where such counter claim is made, it shall have the same effect as a statement of claim under these rules.

(4) Every written statement shall be verified in the same manner as a pleading under the Code of Civil Procedure, 1908 (Act V of 1908).

11. **Service of Notice or Order.**—Every notice or order issued under the Act or these rules may at the discretion of the competent officer, be served in one of the following methods, namely:—

(a) by giving or, tendering the notice or order to the person for whom it is intended; or

(b) by ordinary post under a certificate of posting; or

(c) by registered post acknowledgment due:

Provided that where a notice or order cannot be served by any of the aforesaid methods, the notice or order may be served by affixing a copy thereof in some conspicuous place in the office of the competent officer and also on some conspicuous part of the house, if any, in which the person upon whom the notice or order is to be served is known to have last resided or carried on business or personally worked for gain or in such other manner as the competent officer may think fit.

12. **Statements to be on oath.**—All statements made in any proceeding shall be on oath.

13. **Quarterly returns by competent officer.**—Every competent officer shall, at the end of each quarter, submit a statement in Form 'G' to the State Government.

FORM 'A'

Form of application under sub-section (1) of section 6

[See rule 3]

To

.....
(Name)

.....
(competent officer)

.....
(Station)

1. the name, description and place of residence of the applicant.
2. the description of composite property.
3. the nature of interest of applicant in the composite property.
4. the name, description and place of residence of other claimants in the composite property, so far as they can be ascertained.
5. the nature of interest of such claimants in the composite property, so far it can be ascertained.

.....
(Signature of applicant)

FORM 'B'

Form of General Notice under section 6

[See rule 4]

Whereas information has been laid before me that the property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon all persons having an interest in the said property to submit their claims in the prescribed form to me within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of.....19 ..

.....
(Signature)

.....
(Competent Officer)

THE SCHEDULE
Description of Property

FORM 'C'

Form of individual notice under section 6

[See rule 4].

Whereas information has been received that you have an interest in the composite property described in the Schedule hereto annexed.

And whereas the evacuee interest in the said property is to be separated from other interests.

I, now, hereby call upon you to submit your claim to me in the prescribed form within sixty days from the date of this notice.

Given under my hand and the seal of my office, this..... day of.....19 ..

.....
(Signature)

.....
(Competent Officer)

THE SCHEDULE
Description of Property

FORM 'D'

Form of a statement of claim under sub-section (1) of section 7

[See sub-rule (1) of rule 5]

NOTE.—Persons filling in these forms should carefully refer to definitions of terms such as "composite property", "mortgage debt" and principal money as contained in the Act.

To

.....
(name)

.....
(competent officer)

.....
(Station)

1. the name, description and place or residence of claimant.
2. the description of the composite property.
3. the nature of the interest of the claimant in the composite property.

4. the names and full addresses of persons interested in the composite property:
 - (i)
 - (ii)
 - (iii)
 - (iv)
5. the estimated money value of the composite property.
6. Where the claim is made by a co-sharer or partner, the extent of the share of the claimant and the money value of such share;
7. Where the claim is made by a mortgagee,—
 - (i) the principal money and the rate of interest chargeable under the mortgage deed;
 - (ii) payments made towards the mortgage debt after the principal money was advanced or deemed to have been advanced;
 - (iii) the history of the mortgage debt in so far as it is relevant to the determination of the principal money;
 - (iv) particulars of the property mortgaged and the estimated value of such property;
 - (v) particulars of any property the possession of which has been taken by the mortgagee as security for, or in lieu of payment of, the mortgage debt;
 - (vi) the total amount claimed under the mortgage debt in accordance with the provisions of the Act;
8. Where the claim is made by a mortgagor, the total amount due under the mortgage debt and the particulars necessary to determine the same;
9. The order of preference in which the claimant desires to have his interest separated from that of the evacuee under section 10.

.....
(Signature of applicant)

Verification.

The statements made above are true to my knowledge and belief.

.....
(Signature of the applicant or other person verifying the statements).

FORM "E"
Form of Register
(See rule 6)

1	Serial No.
2	Date of presentation of claim
3	Name and description of claimant
4	Name and description of respondents
5	Description of composite property
6	Value of composite property as indicated by claimant.
7	Nature of interest of claimant
8	Value of interest claimed
9	Value of composite property as ascertained by competent officer.
10	Value of claimant's share determined by competent officer.
11	Total value of evacuee interest in the property as determined by competent officer
12	Total value of non-evacuee interest in the composite property as determined by competent officer.
13	Manner in which evacuee and non-evacuee interests have been separated.
14	Date of final order of competent officer
15	Number of hearings and period spent in disposal of cases.
16	Whether order of competent officer has been the subject of appeal or review.
17	Purport of the order of appellate officer
18	Date of despatch in record to record keeper with the date of consignment in the record room.
19	Number in record keeper's register
20	Remarks

FORM "F"

Form of notice to Respondent

[See sub-rules (2) and (3) of rule 7]

To

WHEREAS..... has made a claim in respect of the composite property described in the Schedule hereto annexed (copy of the statement of claim attached);

You are hereby required to appear before me either personally or through an authorised agent on the day of.....19.....at.....O'clock at(insert the address of the place where appearance is required) to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your claim.

Take notice that in default of your appearance on the day before mentioned, the matter will be heard and determined in your absence.

Given under my hand and the seal of my office thisday of19.....

.....
(Signature)

.....
(Competent Officer).

THE SCHEDULE

Quarterly Statement showing the business before the Competent Officer.....
for the quarter ending.....

[See Rule 14]

[illegible]

[No. 82 (13)/57-Prop.]
D. R. KOHLI, Dy. Secy.

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